

Remarks

By the Office Action dated May 9, 2006, the Examiner has required restriction of the application to either group I (claims 1-19 and 24-25) drawn to a device for ablating a body cavity, or group II (claims 20-23) drawn to a method for ablating a uterus. Applicants hereby elects group I. Applicants note, however, that although original method claims 20-23 have been withdrawn, new methods claim 26 has been added. New independent method claim 26 recites the use of a device having substantially all limitations present in independent apparatus claim 1, and thus cannot be considered sufficiently distinct from the apparatus claims to warrant further restriction.

The Examiner has further indicated that the present application contains claims directed at 8 patentably distinct species, and has required election of a single species. Applicant elects, with traverse, the embodiment of the device shown in Fig. 1 (which also includes Fig. 2 as described below), which Applicant believes is covered by at least claims 1-3, 5-7, 9-10, 12-15, 17-19, and 26.

This election is being made with traverse, as applicant believes that the Examiner's designation of species is improper. For example, the Examiner has indicated that Species I, as illustrated in Fig. 1, is independent and distinct from Species II, as illustrated in Fig. 2. In fact, Fig. 1 and Fig. 2 illustrate exactly the same device, with Fig. 1 showing the device in the inflated state and Fig. 2 showing the device in the deflated state. Further, each of Figs. 1, 2, 4 and 6a-6d differ only by the configuration or pattern of the resistive element relative to the distendable bladder, and each of which would be covered by independent claims 1 or 15 (and new claim 26). The embodiment of Fig. 5 and 5a is slightly different in that the resistive elements are placed in such a manner so as to influence the way in which the distendable bladder expands, whereas the embodiments of Figs. 1, 2, 4 and 6a-6d are not intended to do so. Accordingly, Applicant respectfully requests that the required species election be withdrawn, or at least be limited to selection of (1) the embodiments of Figs. 1, 2, 4 and 6a-6d, or (2) the embodiments of Figs. 5 and 5a.

Applicants believe that no fee is due in connection with this response. The Commissioner is hereby authorized, however, to charge any additional fees that may be required to Account No. 10-0750/GYN-5011/MJS. This Authorization is being submitted in triplicate.

Respectfully submitted,

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